

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, AUGUST 7, 2014**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners ("Board") of Frederick County, Maryland, for Thursday, August 7, 2014, at 9:30 a.m. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve, David P. Gray and Kirby Delauter. Also present were Ms. Lori Depies, County Manager and Ms. Joyce Grossnickle, Administrative Officer.

**Invocation and Pledge of Allegiance**

The meeting began with an invocation followed by the Pledge of Allegiance.

**Commissioner Comments**

Comments were provided by Commissioner Smith.

**Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Lori Depies, Office of the County Manager**

Commissioner Young briefed the public on the Board's recent administrative actions.

**Approval of Minutes**

The minutes for Tuesday, July 8, 2014, were approved by unanimous consent.

**PUBLIC COMMENTS**

- Bill Ashton
- Barbara Craig

*Motion for the Board to meet with Mr. and Mrs. Bob and Barbara Craig during its next open meeting (August 21) with the discussion listed as the last item on the agenda – Passed 4-0-1.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young	X		X			
Smith			X			
Shreve					X	
Gray		X	X			
Delauter		X	X			

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Purchasing Memo #14-254 – On-call Patching, Repair and Pavement Sealing of Various Frederick County Parking Lots and Access Roads
- Purchasing Memo #15-017 – Adult Detention Center Air Handling Unit/Make-up Air Unit Replacements

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- Budget Transfer #BT-15-018, Frederick County Public Libraries
- Renewal Grant to the Community Foundation of Frederick County to Fund the Early Childhood School Readiness Program
- FY 2015 Rental Allowance Program Renewal Application – Jenny Short, Citizens Services Division

*Motion to approve the consent agenda as presented – Passed 5-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith		X	X			
Shreve			X			
Gray	X		X			
Delauter			X			

**AGENDA BRIEFING**

Commissioner Young noted the following public hearings would be held on:

- Tuesday, August 19 at 7:00 p.m. - Proposed Closure of a Portion of West Boss Arnold Road; Removal of Tower Road from the Rural Roads Program
- Thursday, August 21 at 9:30 a.m. - Sale of Surplus Real Property (Located on Crabapple Drive in the Crestwood Subdivision)
- Thursday, August 21 at 6:00 p.m. - Casey Property Development Responsibilities and Rights Agreement

**WORKSESSION**

**Maryland Smart Energy Communities Energy Efficiency Policy and Resolution –  
Shannon Moore, Community Development Division**

Commissioner Young presented the background information regarding the agenda item in Ms. Moore's absence.

County staff recommended the Board adopt a formal policy (the Energy Efficiency Policy) required by the Maryland Smart Energy Communities grant program, as outlined in the draft resolution in the staff report, to reduce per square foot electricity consumption by 15 percent relative to FY 2012 within five years of FY 2012; and report electricity consumption and progress towards the goal annually to the Maryland Energy Administration in order to assure the Frederick County Government accomplishes said goals in a timely fashion.

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*Motion to approve the draft resolution and adopt the Energy Efficiency Policy – Passed 5-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve			X			
Gray		X	X			
Delauter			X			

(A copy of the approved/adopted resolution can be obtained in the County Manager's Office or from the county's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**Shockley Drive/Spectrum Drive Feasibility Study – Steve Mandras, Public Works Division**

Also present for the discussion was Mr. Jason Stitt, Public Works Division.

County staff recommended the Board consider the results of the feasibility study for the purpose of directing staff to proceed with holding a public informational meeting and several stakeholders meetings to solicit comments on the four proposed alternatives that would allow for additional network connectivity in the road network between MD 85 and MD 355 while providing congestion relief along MD 85 in the vicinity of the I-270/MD 85 interchange as well as other surrounding roadways.

*The Board directed staff to move forward with the next steps in the process regarding this project.*

**ADMINISTRATIVE BUSINESS**

**Bid Award - Purchasing Memo #15-018 – Basic Group Term Life, Accidental Death & Dismemberment, and Supplemental Term Life Insurance – Diane George, Finance Division**

*Motion to approve Purchasing Memo #15-018 as presented – Passed 5-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray			X			
Delauter			X			

**Presentation of Ordinance for Signature Purposes – Urbana Investment Properties II, LLC - Rezoning Case #R-06-01(B) – Amendment to Condition No. 3 (Public Hearing Held 3/16/14) – Michael Chomel, Office of the County Attorney**

Mr. Chomel presented the ordinance for signature purposes regarding Rezoning Case #R-06-01(B) - Urbana Investment Properties II, LLC.

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*No action was taken.*

(A copy of the approved/adopted ordinance can be obtained in the County Manager's Office or from the county's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**Gas House Pike – Boyers Mill Road Intersection Memorandum of Understanding (MOU)  
– Samantha Passman, Public Works Division**

Also present for the discussion was Mr. Jason Stitt, Public Works Division.

County staff recommended the Board approve the MOU to allow the addition of a dedicated right turn lane from eastbound Gas House Pike onto southbound Boyers Mill Road to be incorporated into the county's Boyer's Mill Road "North Section" project.

*Motion to approve the MOU as presented – Passed 5-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray			X			
Delauter			X			

**Effective Date for Tallyn Ridge Water and Sewer Amendment (#WS-14-03) – Kathy Mitchell, Office of the County Attorney**

Also present for the discussion was Mr. Chuck Nipe, Public Works Division; David Severn, Esquire, Severn & Kresslein, P.A., representing MS Gladhill Farm, LLC, and Mr. Donovan Corum, Bowman Consulting.

County staff was seeking direction from the Board as to whether or not it wished to make the Water and Sewer Amendment #WS-14-03 (request to go from Planned Service to S-4/W-4) effective immediately. It was noted the Board held a public hearing on the water and sewer amendment on July 10, 2014, and approved the request to reclassify 147 acres in the Tallyn Ridge Planned Unit Development.

*Motion to approve the Tallyn Ridge Water and Sewer Amendment (#WS-14-03) effective immediately – Passed 4-1.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve			X			
Gray				X		
Delauter		X	X			

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**FY 2015 Intergovernmental Agreement (9105 Salary Reimbursement Agreement) –  
Riley Carpenter, Department of Social Services**

Mr. Carpenter presented the agreement noting it provided for the reimbursement by the Department of Social Services (DSS)/Department of Human Resources of salaries and benefits for 9.0 full-time employees/county employees in Department 9105 assigned to the DSS.

*Motion to approve the agreement as presented – Passed 5-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith		X	X			
Shreve			X			
Gray	X		X			
Delauter			X			

**Co-location of Frederick County Workforce Services at Frederick Community College (FCC) Monroe Avenue Facility – Doug Browning, FCC and Lori Depies, Office of the County Manager**

Also present for the discussion were Ms. Pat Rosensteel and Ms. Laurie Holden, Citizens Services Division.

Ms. Depies provided the background information regarding the proposal to co-locate the Frederick County Workforce Services to a shared facility with FCC.

*The Board provided staff direction to move forward with crafting a memorandum of understanding (MOU) between the county and FCC (a 10-year MOU with an option to get out of it) and to return to the Board at a future meeting for approval.*

**Establishment of Director/Volunteer Chief, Division of Volunteer Fire and Rescue Services – Lori Depies, Office of the County Manager**

Commissioner Young provided the background information regarding this matter.

Mr. Jim May, representing the Frederick County Volunteer Fire & Rescue Association, Inc., informed the Board the Association was in support of Mr. Chip Jewell being appointed as the new director/volunteer chief of the new Division of Volunteer Fire and Rescue Services.

*Commissioner Young made a motion to:*

- 1. Create the position of Director of the Volunteer Fire and Rescue Division, using the job description as presented;*
- 2. To appoint Clarence “Chip” Jewell as the acting Director, pending the confirmation of the FCVFRA’s Executive Committee; and*

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3. *To place the matter on the Board's Tuesday, August 19, 2014, meeting agenda to allow the public the opportunity to comment on the job description.*

*The motion was seconded by Commissioner Gray.*

*Mr. Mitch Hose, Director, Human Resources Division, suggested the motion also include the effective date of August 11, 2014, and the director position would work at the pleasure of the Board with a salary of \$115,000.*

*Commissioners Young and Gray were okay with adding Mr. Hose's suggestions to the motion.*

*County Attorney John Mathias indicated that the Exempt Employee Resolution would be amended to add this position and brought to a public hearing in accordance with the Frederick County Code.*

*The motion passed 5-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young	X		X			
Smith			X			
Shreve			X			
Gray		X	X			
Delauter			X			

**Updates from County Commissioners' Liaison – Dave Dunn, Community Development Division**

Mr. Dunn presented his liaison activities report for the month of July to the Board.

*No action taken as this item was informational.*

**COMMISSIONERS COMMENTS**

Comments were provided by Commissioners Young, Smith, Shreve, and Gray.

**PUBLIC COMMENTS**

None.

**QUESTIONS - PRESS**

None.

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**CLOSED SESSION**

Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Topic** – To discuss with the County Attorney and provide direction on the future steps in a pending lawsuit.

*Motion to go into closed session – Passed 5-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve			X			
Gray			X			
Delauter		X	X			

**ADJOURN**

The meeting adjourned at 11:45 a.m.

Joyce M. Grossnickle  
Administrative Officer

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, AUGUST 7, 2014**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a)**

(7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

A motion was made by Commissioner Smith to go into closed session at 11:45 a.m. in accordance with Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. The motion was seconded by Commissioner Delauter and passed 5-0.

**Time and Location:**

11:45 a.m. – Third Floor Meeting Room, Winchester Hall

**Topic for Discussion:**

To discuss with the County Attorney and provide direction on the future steps in a pending lawsuit.

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Joyce M. Grossnickle  
Administrative Officer



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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, AUGUST 19, 2014,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, AUGUST 7, 2014**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

A motion was made by Commissioner Smith to go into closed session at 11:45 a.m. in accordance with Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. The motion was seconded by Commissioner Delauter and passed 5-0.

Commissioner Shreve voted to go into closed session, but was not present for the closed session discussion.

**Time and Location:**

11:45 a.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, L. Depies, R. Santangelo, J. Grossnickle

**Topic Discussed:**

To discuss with the County Attorney and provide direction on the future steps in a pending lawsuit.

**Action Taken:**

The Board authorized County Attorney to appeal Circuit Court decision.

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Joyce M. Grossnickle  
Administrative Officer